



HOUSE OF REPRESENTATIVES

SB 1237

commission of Indian affairs; continuation

Prime Sponsor: Senator Begay, LD 7

DP Committee on Government and Higher Education

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

SB 1237 renames the Arizona Commission on Indian Affairs (Commission) as the Governor's Office on Tribal Relations (Office), modifies the Office's duties, purpose and responsibilities, and continues the Office for eight years.

PROVISIONS

1. Renames the Commission as the Office to assist state agencies in implementing tribal consultation and outreach activities.
2. Continues the Office for eight years.
3. Specifies the Wednesday of the first week of each Regular Legislative Session as Indian Nations and Tribes Legislative Day (Legislative Day), rather than the Tuesday of the second week of each Regular Legislative Session.
4. Requires the Senate to host Legislative Day in odd-numbered years and the House of Representatives to host in even-numbered years.
5. Stipulates the hosting chamber must hold a joint session of the Legislature.
6. Requires each state agency to:
 - a. develop and implement tribal consultation policies to guide the agency's work and interaction with the federally recognized Tribal Nations of Arizona;
 - b. seek input from appropriate elected or appointed Tribal Officials before undertaking any action or policy that will, or is reasonably believed to, have the potential to affect a Tribal Community or its Members;
 - c. integrate input generated from tribal consultation into the agency's decision-making processes to achieve mutually acceptable solutions;
 - d. designate a state member to assume responsibility for the agency's implementation of the tribal consultation policies and to act as the principal point of contact for tribal affairs;
 - e. by October 1st of each year review the agency's tribal consultation policies and submit an electronic progress report with performance measures to the Office and requires the Office to make the report available to Tribal leaders and Legislators.
7. Requires the Governor to meet annually with the Tribal Leaders of the 22 Tribal Nations and Communities in a State-Tribal Summit to address issues of mutual concern.

8. Permits the Office to:
 - a. apply for, accept, receive and spend public and private gifts or grants of monies and property for the implementation of internal operations and forums for American Indian People to impart their knowledge on statewide issues;
 - b. recommend and provide technical assistance on health care delivery systems for organizations serving American Indian People based on currently available state, federal and private monies;
 - c. accept, receive and spend fees collected at the Arizona Indian Town Hall to defer expenses for the Town Hall;
 - d. assist in evaluating, consolidating and coordinating activities relating to the education of American Indian students;
 - e. serve as an informational clearinghouse and provide training on cross-cultural situations;
 - f. receive annual notice from the Director of the State Museum on the discovery of American Indian human remains, funerary objects, sacred ceremonial objects or objects of cultural patrimony;
 - g. promote increased participation by American Indians in local and state affairs;
 - h. work in conjunction with state agencies involved in economic development to design and initiate programs to stimulate economic growth of the American Indian population;
 - i. establish an executive committee or other committees, as necessary;
 - j. employ clerical, professional and technical personnel; and
 - k. initiate or assist programs on Tribal Land only on the request or with approval of the Tribal Nation.
9. Requires the Office to:
 - a. prepare and submit a report to the Legislature summarizing each state agency's annual progress report that details the progress and challenges in implementing tribal consultation policies; and
 - b. coordinate Legislative Day with the President of the Senate, Speaker of the House and Native American Legislators.
10. Eliminates the Indian Affairs Commission Publication Fund and transfers all unexpended and unencumbered monies remaining in the Fund (FY 2016 estimate \$700) to the Office.
11. Directs the Governor to appoint the Director of the Office with consent of the Senate and entitles the Director to receive compensation as determined by the Arizona Department of Administration.
12. States that on request, state and local public officers and employees must furnish the Office with any information required, except for information not subject to disclosure.
13. Provides for the succession of authority, powers, duties and responsibilities of the Commission to the Office.
14. Transfers all Commission equipment, records, furnishings and other property, all data and obligations, and all appropriated monies unspent and unencumbered to the Office.
15. Declares this Act does not alter the effect of any actions taken or impair the valid obligations of the Commission in existence.

CURRENT LAW

The Commission is required to assist and support state and federal agencies in assisting Arizona's Indians and Tribal Councils to develop mutual goals, design projects for achieving

goals and implement their plans. The Commission must also: 1) assemble and make available facts needed by tribal, state and federal agencies to work together effectively; 2) assist Arizona in its responsibilities to Indians and Tribes by making recommendations to the Governor and the Legislature; 3) confer and coordinate with officials and agencies of other governmental units and legislative committees regarding Indian needs and goals; 4) work for greater understanding and improved relationships between Indians and non-Indians by creating an awareness of the legal, social and economic needs of Arizona's Indians; 5) promote increased participation by Indians in local and state affairs; 6) assist tribal groups in developing increasingly effective methods of self-government; and 7) assist urban Indians ([A.R.S. § 41-542](#)).

The Commission consists of the Governor, Superintendent of Public Instruction, Chief Executive Officer of the Arizona Commerce Authority, Attorney General and the following Directors, or their designees, to serve as ex officio members: 1) the Department of Health Services; 2) the Department of Transportation; 3) the Department of Economic Security; 4) the Department of Gaming; and 5) the Office of Tourism. The Governor must appoint 11 additional members, including four at large, one of whom must represent a nonprofit organization, and 7 from among the Indian Tribes. Each Tribe or Tribal Council may submit names of members of its Tribe for consideration for appointment ([A.R.S. § 41-541](#)).

ADDITIONAL INFORMATION

The Fiscal Year 2017 [baseline](#) includes three Full Time Equivalent positions and \$57,400 from the state General Fund. The Senate Government and House Agriculture, Water and Lands Committee of Reference met on October 20, 2015, and [recommended](#) an eight year continuation of the Commission.